

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.:

-----X
ANTHONY COLACI,

Plaintiff Designates

NEW YORK

County as the place of trial

Plaintiff,

-against-

The basis of venue is the Defendant

**PRINCIPAL PLACE OF
BUSINESS**

**ARCHDIOCESE OF NEW YORK, CHURCH OF ST.
ANTHONY OF PADUA, AND FRANCISCAN FRIARS
A/K/A AND D/B/A FRIARS MINOR OF THE ORDER
OF ST. FRANCIS – PROVINCE OF THE
IMMACULATE CONCEPTION,**

Defendants.

Plaintiff reside at

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County of NASSAU

To the abovenamed Defendants

SUMMONS

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, and the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: September 3, 2019
New York, New York

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Defendant's Addresses:

Archdiocese of New York
1011 First Avenue
New York, NY 10022

St. Anthony of Padua
154 Sullivan St.
New York, NY 10012

Franciscan Friars a/k/a and d/b/a Friars Minor of the Order of St. Francis - Province of the
Immaculate Conception
125 Thompson St.
New York, NY 10012

Notice: The object of this action is to recover damages for personal injuries

The relief sought: is monetary damages in an amount in excess of the jurisdictional limits of all lower courts.

Upon your failure to appear, judgment will be taken against you by default for compensatory damages, costs and for such further and other relief as the Court deems proper in a sum as set by the Court after inquest.

**SUPREME COURT STATE OF NEW YORK
COUNTY OF NEW YORK**

-----x **Index No.:**
ANTHONY COLACI,

Plaintiff,

VERIFIED COMPLAINT

-against-

**ARCHDIOCESE OF NEW YORK, CHURCH OF ST.
ANTHONY OF PADUA, AND FRANCISCAN FRIARS
A/K/A AND D/B/A FRIARS MINOR OF THE ORDER
OF ST. FRANCIS – PROVINCE OF THE IMMACULATE
CONCEPTION,**

Defendants.

-----x
Plaintiff, Anthony Colaci, by and through undersigned counsel, complaining of the

Defendants, upon information and belief, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This Complaint arises from the sexual battery of Plaintiff Anthony Colaci by Bishop Graziano on or about 1963. This incident occurred while Plaintiff was a parishioner at the Church of St. Anthony of Padua.

2. Plaintiff Anthony Colaci is an adult resident of the State of New York and is otherwise *sui juris*.

3. Defendant Archdiocese of New York (“Archdiocese”) is a Roman Catholic Diocese and is an unincorporated non-profit business entity licensed to and doing business in The State of New York with a principal place of business at 1011 First Avenue, New York, NY 10022.

4. Defendant Church of St. Anthony of Padua (“St. Anthony”) is a Roman Catholic parish church within the Archdiocese of New York and an unincorporated New York business entity with a principal place of business at 155-159 Sullivan St., New York, NY 10012.

5. Defendant Franciscan Friars a/k/a and d/b/a/ Friars Minor of the Order of St.

Francis – Province of the Immaculate Conception (“Franciscan Friars”) is a Catholic Religious Order and an unincorporated non-profit business entity conducting business in the State of New York with its principal place of business at 125 Thompson St., New York, NY 10012.

6. Venue is proper in this Court because the Defendant Archdiocese, Defendant St. Anthony and Defendant Franciscan Friars have their principal places of business in New York County and the acts and omissions giving rise to this Complaint occurred in New York County.

7. The provisions of Section 1602 of the CPLR do not apply to the within action including nondelegable duty and/or the doctrine of respondeat superior.

8. Plaintiff brings this suit within the extended time period as provided for in Section 208 and 214-G of the Civil Practice Law.

9. Jurisdiction is proper because this Complaint seeks monetary damages in excess of \$25,000.00, exclusive of interest, costs, and attorney’s fees.

10. At all times material, Bishop Graziano was an ordained Roman Catholic priest employed by and an agent of Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars from at least 1947 to 1990.

11. Bishop Graziano entered the Order of Friars Minor at Immaculate Conception Novitiate, Troy, New York in 1939.

12. Bishop Graziano professed his simple vows in 1940 and his solemn vows in 1943.

13. Bishop Graziano was ordained on January 26, 1947 at Mt. Alvernia Seminary, Wappingers Falls, New York.

14. From 1951 through 1956, Fr. Graziano was assigned to the Trinidad Church in Sonsonate, El Salvador in the Immaculate Conception Province in El Salvador.

15. Upon information and belief, on or about 1956, Bishop Graziano was elected

Provincial Delegate to supervise the mission posts in Honduras, Guatemala, and El Salvador entrusted to the American Friars of the Province of the Immaculate Conception.

16. Upon information and belief, from 1957 through 1959, Bishop Graziano served as the Immaculate Conception Provincial Delegate and Procurator at the Commissariat in Juticalpa, Honduras.

17. Upon information and belief, on or about 1959, Bishop Graziano was elevated to the position of Vicar General in the Diocese of Santa Ana in Santa Ana, El Salvador.

18. Upon information and belief, from 1959 through 1962, Bishop Graziano served as the Vicar General of the Diocese of Santa Ana in Santa Ana, El Salvador.

19. Upon information and belief, in 1962, Bishop Graziano was elevated to the position of Bishop within the Diocese of Santa Ana, El Salvador.

20. Upon information and belief, from 1962 through 1970, Bishop Graziano regularly traveled between El Salvador and St. Anthony. While in New York, Bishop Graziano stayed at the Franciscan residence associated with St. Anthony. While in New York, Bishop Graziano conducted religious ceremonies such as Mass, weddings, confirmations and other events.

21. Upon information and belief, from 1970 through 1990, Bishop Graziano was assigned to and resided at Our Lady of Mt. Carmel parish in Mt. Vernon, New York in the Archdiocese of New York. During this same time period, Bishop Graziano accepted assignments and religious ceremonies within the Archdiocese of New York.

22. Upon information and belief, Bishop Graziano died on May 19, 1990.

23. At all times relevant, Defendants Archdiocese of New York and/or St. Anthony were the legal owner and/or tenant/occupier of the church located at 155-159 Sullivan St., New York, NY 10012.

24. By holding Bishop Graziano out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a special relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants' undertaking the care and guidance of the then vulnerable Plaintiff, Plaintiff was uniquely vulnerable, without his mother and incapable of self-protection.

25. Furthermore, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the Plaintiff from effectively protecting himself, and Defendants thus entered into a special relationship with Plaintiff. By holding themselves out as a safe, moral, and trusted institutions to Plaintiff's mother, Defendants induced Plaintiff's mother to entrust their child to Defendants and thereby deprived Plaintiff of the protection of his family.

26. At all times material, Bishop Graziano's grooming and sexual abuse of Plaintiff was foreseeable. The problem of clergy grooming and sexual abuse of minors is well-documented throughout the history of the Roman Catholic Church. As far back as 1051, St. Peter Damian wrote in the *Book of Gomorrah* that clergy who defiled boys should be dismissed from holy orders. (*Book of Gomorrah*, Ch. 6). Later, St. Peter Damian wrote in his *Rule of the Monastery of Compludo*, about the punishment for "A cleric or monk who seduces youths or young boys" being public flogging, loss of tonsure and six months in jail, among other punishment. In 1143 or 1144, a professor at the University of Bologna named Gratian, known as the "Father of the Science of Canon Law," identified in his work the *Decretum*, the sexual sin by a priest that he called *stuprum pueri*, which is the sexual use of boys by an adult male.

27. In 1961, the Vatican issued an instruction on the training of candidates for the priesthood, which was based upon the 1917 Code of Canon Law which stated:

Advancement to religious vows and ordination should be barred to those who are afflicted with evil tendencies to homosexuality or pederasty, since for them the common life and priestly ministry would constitute serious dangers.

28. This knowledge that Catholic clergy were sexually abusing minors continued through the middle ages and into recent history. In 1962, Pope John XXIII approved the publication *De Modo Procedendi in Causis Solicitationis*, a special procedural law for solicitation of sex in the confessional. This document contained prohibitions prohibiting clergy from having sex with minors under the age of sixteen. This document was distributed to every bishop and major religious superior in the world and was to be kept by them with the deepest secrecy. In addition, this document reflected the Catholic Church's insistence on maintaining the highest degree of secrecy regarding the worst sexual crimes perpetrated by clergy.

29. In 1947, a priest named Fr. Gerald Fitzgerald founded a religious order of priests called the Servants of the Paracletes. This religious order was founded in order to assist and treat Catholic clergy who experienced mental health problems. By 1952, Fr. Fitzgerald wrote that he had already treated a handful of priests who had sexually abused minors. By 1963, the Paracletes were treating so many sexually abusive clergy that they developed a shorthand code, "code 3," to describe the offense. By 1966, the Paracletes began specializing in treatment of pedophile Catholic clergy.

30. As early as 1971, the issue of sexual misconduct by clergy was being discussed in the Commonwealth of Massachusetts. Bishop Bernard Flanagan, Bishop of Worcester (Massachusetts) testified that as early as February 1971, there had been discussions about sexual misconduct among priests. According to Bishop Flanagan, "I think by 1971 I had heard of other cases of this type [sic] sexual misconduct and I knew that they were taking place in other dioceses

too.”

31. That same year, Dr. Conrad Baars and Dr. Anna Terruwe presented a scholarly paper titled “The Role of the Church in the Causation, Treatment and Prevention of the Crisis in the Priesthood” to the 1971 Synod of Bishops at the Vatican and to the U.S. Conference of Catholic Bishops about psychiatric problems in Catholic clergy and how psychosexual immaturity manifested itself in heterosexual and homosexual activity.

32. In 1990, psychologist and priest, A.W. Richard Sipe, published a study involving 1,500 priests that concluded that six (6) percent of priests were sexually involved with minors.

33. In 1985, the public prosecution of a priest in Lafayette, Louisiana led to the creation of the 100-page document titled “*The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner*” by Fr. Thomas Doyle, F. Ray Mouton and Fr./Dr. Michael Peterson. This document was distributed to every Catholic Bishop and religious order ordinary in the United States. A significant portion of this document describes how significant that the sexual abuse of children by Catholic clergy had become.

34. Defendants allowed Bishop Graziano to have unsupervised and unlimited access to minor children at St. Anthony in New York, New York, located at the time within the Archdiocese of New York.

35. At all times material, Bishop Graziano was employed by Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars.

36. At all times material, Bishop Graziano remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars.

37. Upon information and belief, before Plaintiff was sexually abused by Bishop

Graziano, Defendants had actual or constructive knowledge of material facts regarding Bishop Graziano's sexual misconduct, impulses, and behavior.

38. Despite clear indications of danger, Defendant's took no steps to discover the specific nature of Bishop Graziano's problems or to determine whether he was fit to work with children or to protect children from him, thereby increasing the likelihood that Plaintiff would be harmed.

39. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments, and participated in church-related activities. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, the Archdiocese of New York, St. Anthony and Franciscan Friars and their agents, including the Archbishop and Bishop Graziano.

40. Defendants held Bishop Graziano out as a qualified Roman Catholic priest, and undertook the education, religious instruction, and spiritual and emotional guidance of Plaintiff. The Archbishop exercised a direct role over Plaintiff. Accordingly, Plaintiff places trust in Defendants so that Defendants and their agents gained superiority and influence over Plaintiff. Defendants entered into a special relationship with the Plaintiff and his family.

41. Defendants owed Plaintiff a duty of reasonable care because it assumed duties owed to Plaintiff and had superior knowledge about the risk that Bishop Graziano posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that their facilities posed to minor children. Defendants had the duty to protect the moral purity of Plaintiff and other Roman Catholic children within the Archdiocese of New York.

42. Defendants owed Plaintiff a duty of reasonable care because they assumed that duty and because they solicited youth and parents for participation in its youth programs.

43. Defendants owed Plaintiff a duty of reasonable care because they undertook custody of minor children, including Plaintiff.

44. Defendants owed Plaintiff a duty of reasonable care because they promoted its facilities and programs as being safe for children.

45. Defendants owed Plaintiff a duty of reasonable care because they held out its agents including Bishop Graziano as safe to work with children.

46. Defendants owed Plaintiff a duty of reasonable care because they encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Bishop Graziano, to spend time with, interact with, and recruit children.

47. Defendants had a duty to Plaintiff to protect him from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff.

48. Defendants breached their duties by exposing Plaintiff to a known pedophile.

49. Defendants breached their duties by exposing Plaintiff to a priest Defendants knew or should have known was a pedophile.

50. Defendants breached their duties by recruiting, hiring, and maintaining Bishop Graziano in a position of authority over children.

51. Defendants breached their duties by exposing Bishop Graziano to children.

52. Defendants breached their duties by leaving Bishop Graziano alone with children unsupervised.

53. Defendants breached their duties by inducing Plaintiff and his parents to entrust Plaintiff to Bishop Graziano.

54. Defendants breached their duties by failing to follow policies and procedures designed to prevent child sex abuse and/or failing to implement sufficient policies and procedures

to prevent child sex abuse.

55. Defendants breached their duties by failing to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working.

56. Defendants breached their duties by failing to adequately inform families and children of the known risks of child sex abuse within the Archdiocese of New York.

57. Defendants breached their duties by holding out their employees and agents, including Bishop Graziano, as safe and wholesome for children to be with.

58. Defendants breached their duties by failing to investigate risks of child molestation.

59. Defendants breached their duties by failing to properly train the workers at institutions and programs within Defendants' geographical confines.

60. Defendants breached their duties by failing to have any outside agency test their safety procedures.

61. Defendants breached their duties by failing to protect the children in their programs from child sex abuse.

62. Defendants breached their duties by failing to adhere to the applicable standard of care for child safety.

63. Defendants breached their duties by failing to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe.

64. Defendants breached their duties by failing to respond to and/or investigate information of improper conduct of employee or agent with children, including Bishop Graziano

65. Defendants breached their duties by failing to properly train their employees to identify signs of child molestation by fellow employees.

66. Defendants breached their duty to use ordinary care in determining whether their

facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe.

67. Defendants breached their duty of care by recruiting, hiring, and maintaining Bishop Graziano at their facilities.

68. Defendants breached their duty of care by maintaining a dangerous condition on the premises of their facilities (i.e., a priest Defendants knew or should have known posed a risk of pedophilic harm to children).

69. Defendants breached their duty of care by holding out their facilities as a safe and moral place for children, which they were not.

70. Defendants breached their duty of care by failing to have sufficient policies and procedures to prevent abuse at their facilities.

71. Defendants breached their duty of care by failing to investigate risks at their facilities.

72. Defendants breached their duty of care by failing to properly train the workers at their facilities.

73. Defendants breached their duty of care by failing to investigate the amount and type of information necessary to represent their facilities as safe.

74. Defendants breached their duty of care by and failing to train their employees properly to identify signs of child molestation by fellow employees.

75. Defendants breached their duties to Plaintiff by holding out clergy members, including Bishop Graziano, as safe, moral, and trustworthy people and by failing to warn Plaintiff and his family of the risk that Bishop Graziano posed and the known risks of child sexual abuse by clerics in general.

76. Defendants also failed to warn Plaintiff about any of the knowledge that the Defendants had about child sex abuse perpetrated by clergy or Bishop Graziano.

77. Defendants breached their duties to Plaintiff by failing to report Bishop Graziano's abuse of children to the police and law enforcement.

78. Defendants further breached their duties by hiding a pedophile and engaging in a cover-up of abuse perpetrated by Bishop Graziano.

79. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese of New York were not safe for children.

80. Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Archdiocese of New York were safe around children.

81. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

82. Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

83. Defendants knew or should have known that they had other agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. Defendants knew or should have known that there was a specific danger of child sex abuse for children participating in Defendants' youth programs.

84. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their

programs, schools, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe for children/youth.

85. Defendants made negligent representations to Plaintiff and his family during each and every year of his minority. Plaintiff and/or his family relied upon these representations, which resulted in Plaintiff being put in a vulnerable situation with Bishop Graziano who harmed him.

86. In approximately 1962, when Plaintiff was approximately thirteen (13) or fourteen (14) years old, Plaintiff was a parishioner at St. Anthony. While participating at youth activities and events at St. Anthony, Plaintiff met Bishop Graziano. While Plaintiff was at St. Anthony, Bishop Graziano used his relationship with Plaintiff to groom Plaintiff for sexual abuse.

87. Bishop Graziano sexually abused Plaintiff by engaging in unpermitted, harmful, and offensive sexual contact with the Plaintiff. Bishop Graziano sexually assaulted Plaintiff when Plaintiff was a minor and without Plaintiff's consent.

88. Defendants allowed Bishop Graziano to have unsupervised and unlimited access to young children at St. Anthony located at the time within the Archdiocese of New York.

89. At all times material, Bishop Graziano was employed by, or an agent of, Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars.

90. At all times material, Bishop Graziano was on duty as a priest 24 hours per day, 7 days per week.

91. At all times material, when Bishop Graziano was in New York and residing at the Franciscan Friars' residence at St. Anthony, Bishop Graziano remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars.

92. At all times material, Defendants had the right to control the means and manner of

Bishop Graziano's performance.

93. At all times material, Defendants paid Bishop Graziano's salary and paid for Bishop Graziano's health insurance and other benefits.

94. At all times material, Defendants furnished an office and other materials, supplies, and tools required for Bishop Graziano to perform in his position as a priest and Bishop.

95. At all times material, Defendants controlled the premises where Bishop Graziano performed as a priest.

96. At all times material, Defendants had the power to terminate the employment of Bishop Graziano.

97. Upon information and belief, before Plaintiff was sexually abused by Bishop Graziano, Defendants had actual or constructive knowledge of material facts regarding Bishop Graziano's sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child to Bishop Graziano, thereby increasing the likelihood that Plaintiff would be harmed.

98. As a direct result of Defendants' negligence, breached duties, the grooming, sexual abuse, sexual exploitation, and Defendants' conduct, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling all to this Plaintiff's damage in excess of the jurisdiction of all lower courts.

**AS FOR A SECOND CAUSE OF ACTION FOR RESPONDEAT
SUPERIOR/VICARIOUS LIABILITY AGAINST THE DEFENDANTS
ARCHDIOCESE OF NEW YORK, ST. ANTHONY, AND FRANCISCAN
FRIARS**

99. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

100. Among other duties, Defendants employed Bishop Graziano to operate programs, including youth, altar boy and spiritual counseling programs at St. Anthony.

101. Defendants created a master-servant relationship with Bishop Graziano, employing him to interact and supervise children participating in programs at St. Anthony.

102. The unwanted contact by Bishop Graziano upon Plaintiff occurred during his regular working hours and at the place of his employment with Defendants while performing duties of a priest and Bishop on behalf of his employers.

103. The sexual contact by Bishop Graziano occurred in the course and scope of his employment with Defendants.

104. The sexual contact by Bishop Graziano was generally foreseeable to Defendants.

105. The sexual contact by Bishop Graziano was closely connected to what he was employed to do as a priest with Defendants, and/or was otherwise naturally incidental to his job duties.

106. Bishop Graziano's conduct was motivated, at least in part, by a desire to serve his employer's business interests or otherwise meet the objectives of his employment, however misguided.

107. Alternatively, Bishop Graziano's conduct constituted an authorized, minor deviation from his employment that was authorized and/or ratified by Defendants.

108. As a direct and proximate result of Bishop Graziano's conduct, Plaintiff has

suffered damages for which his employer is now liable.

**AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT RETENTION AND
SUPERVISION AGAINST THE ARCHDIOCESE OF NEW YORK, ST. ANTHONY,
AND FRANCISCAN FRIARS**

109. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

110. At all material times, Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars, by and through their agents, managers, employees, and directors owed a duty to Plaintiff to use reasonable care to protect his safety, care, well-being and health while he was under the care, custody or in the presence of the Defendants. These duties encompassed the use of reasonable care in the hiring, retention and supervision of Bishop Graziano and otherwise providing a safe environment for children.

111. Prior to the sexual misconduct perpetrated by Bishop Graziano upon Plaintiff, Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars knew, or in the exercise of reasonable care, should have known, of the general problem of Catholic clergy engaging in sexual misconduct with children who were in Archdiocese of New York, St. Anthony, and Franciscan Friars programs.

112. Prior to the sexual misconduct perpetrated by Bishop Graziano upon Plaintiff, Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars knew, or in the exercise of reasonable care, should have known, that Bishop Graziano was unfit for the duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

113. Given actual or constructive knowledge of Bishop Graziano's dangerous propensities specifically, the Defendants had a duty to act reasonably in all decisions relating to

his hiring, supervision and retention as an employee.

114. Defendants failed to exercise reasonable care in one or more of their decisions to hire, supervise and retain Bishop Graziano and therefore exposed Plaintiff to an unreasonable risk of harm.

115. Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars affirmed and ratified Bishop Graziano's misconduct with Plaintiff. Given the actual and constructive knowledge of the likelihood that Bishop Graziano and/or other clergy would engage children in unwanted sexual contact, the unwanted sexual contact of Plaintiff was reasonably foreseeable to Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars.

116. Defendants Archdiocese of New York, St. Anthony, and Franciscan Friars and their agents had superior knowledge of the likelihood that Bishop Graziano would engage in unwanted sexual contact with clients that he encountered in his position as a priest and had a duty to take precautions to lessen the risk that Plaintiff would be the victim of unwanted sexual contact.

117. At all relevant times, Defendants Archdiocese of New York's and St. Anthony's acts and omissions created an environment which fostered unwanted grooming and sexual contact and exploitation against the people it had a duty to protect, including Plaintiff.

118. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

119. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

**AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENCE/PREMISES
LIABILITY AGAINST ARCHDIOCESE OF NEW YORK, ST. ANTHONY, AND
FRANCISCAN FRIARS**

120. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

121. Plaintiff was a business invitee of Defendants when Bishop Graziano engaged him in unwanted sexual grooming.

122. Defendants owed Plaintiff a duty to protect him from dangerous conditions on their premises that they knew about, or in the exercise of reasonable care could have discovered.

123. Defendants owed Plaintiff a duty to provide a reasonably safe environment where he would be free from the threat of unwanted grooming for sexual contact while on Defendants' premises.

124. Defendants owed Plaintiff a duty to take reasonable precautions to ensure his safety while on the premises of Defendants.

125. Prior to the sexual misconduct perpetrated by Bishop Graziano upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, of the general problem of priests and other clergy engaging in grooming and sexual misconduct with children.

126. Prior to the sexual misconduct perpetrated by Bishop Graziano upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, that Bishop Graziano was unfit for the intimate duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

127. Defendants breached the duty owed to Plaintiff by failing to make the premises reasonably safe for Plaintiff despite what they knew or should have known about the existence of a potential threat of harm to Plaintiff on their premises.

128. Defendants breached the duty they owed to Plaintiff by failing to warn Plaintiff of

the dangers and risks involved in participating in programs at St. Anthony given their superior knowledge of the potential risk of harm to Plaintiff.

129. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

130. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

WHEREFORE, Plaintiff demands judgment against the Defendants for a sum in excess of the jurisdictional limits of all lower courts on each and every Cause of Action stated above, together with the costs and disbursements and other expenses necessary in this action.

New York, New York

Dated: September 3, 2019

Yours, etc.,



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VERIFICATION

STATE OF New York)
)ss
COUNTY OF Nassau)

ANTHONY COLACI being duly sworn, deposes and says: I am the Plaintiff in this action, I have read the foregoing **COMPLAINT** and know the contents thereof; the same is true to my own knowledge, except as to those matters therein to be alleged on information and belief, and as to those matters I believe them to be true.


ANTHONY COLACI

Sworn to and sworn before me this
29 day of August, 2019


Notary Public

